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12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION  
16

17 ADVANCED CARDIOVASCULAR  
18 SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 MEDTRONIC, INC.,

22 Defendant.  
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Case No. C-95-3577 DLJ

**STIPULATION AND ORDER  
CONTINUING HEARING ON  
PLAINTIFF'S MOTION TO MODIFY  
INJUNCTION AFTER OCTOBER 29,  
2008**

Date: September 19, 2008  
Time: 2:00 p.m.  
Courtroom: 1, 4th Floor  
Judge: Hon. D. Lowell Jensen  
Senior Judge

1 THE PARTIES TO THE ABOVE-ENTITLED CASE HEREBY STIPULATE AND  
2 AGREE AS FOLLOWS:

3 WHEREAS Defendant's Motion to Modify Injunction After October 29, 2008  
4 ("Defendant's Motion"), is currently set for hearing before the Court on September 19, 2008, at  
5 2:00 p.m.;

6 WHEREAS Plaintiff seeks additional time to prepare responsive documents;

7 WHEREAS, Defendant seeks to ensure that the Court has adequate time to decide  
8 Defendant's Motion before October 29, 2008; and

9 WHEREAS, Plaintiff agrees that it will not use this stipulation to argue against  
10 Defendant's position that time is of the essence in addressing Defendant's Motion.

11 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

12 1. The hearing on Defendant's Motion shall be continued to Friday, October 3,  
13 2008, at 2:00 p.m.; and

14 2. Plaintiff agrees not to request a further continuance of or to otherwise seek to  
15 delay the hearing on Defendant's Motion.

16  
17 Dated: August 21, 2008

KEKER & VAN NEST, LLP

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19 By: /s/ Ashok Ramani

20 Ashok Ramani  
21 Attorneys for Defendant  
22 MEDTRONIC, INC.

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24 Dated: August 21, 2008

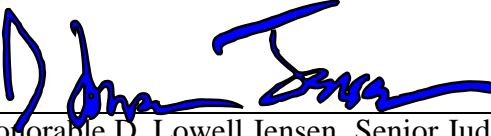
MCANDREWS HELD & MALLOY

25  
26 By: /s/ David D. Headrick

27 David D. Headrick  
28 Attorneys for Plaintiff  
ADVANCED CARDIOVASCULAR  
SYSTEMS, INC.

*Per General Order 45, filing counsel has  
obtained concurrence in the filing of this  
document from David Headrick*

1 IT IS SO ORDERED:

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August 25, 2008

4 Honorable D. Lowell Jensen, Senior Judge  
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